

REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
December 1, 2005

PRESENT:	Lou Ann Christensen	Mayor
	Holly Bell	Councilmember
	Reese Jensen	Councilmember
	Bob Marabella	Councilmember
	Steve Hill	Councilmember Elect
ALSO PRESENT:	Ben Boyce	Director of Parks and Recreation
	Jim Buchanan	Director of Emergency Services
	Mary Kate Christensen	City Recorder
	Jeff Leishman	Zoning Administration
	Bruce Leonard	Director of Public Works
	Dennis Sheffield	Director of Finance
	Don Tingey	City Administrator
	Paul Tittensor	Chief of Police
	Alan Wright	Director of Public Power
EXCUSED:	Jon Adams	Councilmember
	Alden Farr	Councilmember

Mayor Christensen called the meeting to order and excused Councilmember Adams and Councilmember Farr who were out of town. The scouts in the audience led the Pledge of Allegiance. The Reverence Period was given by Mayor Christensen. A motion to approve the minutes of October 20 Council and Work Session and November 2 and 3 Work Session was made by Councilmember Bell. The motion was seconded and carried. Mayor Christensen presented the agenda as follows:

PUBLIC COMMENT
CONSENT

- Promotion, Police Department
- Resolution Correcting Cost of Renewing Dog Licenses Through the Mail
- Agreement Restating the Creation of the Utah Local Governments Trust
- Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

PUBLIC HEARING

- Issuance of Revenue Bonds for the Construction of Capital Storm Drainage Infrastructure in the Northwest and Southwest Areas of the City

SCHEDULED DELEGATION

- Main Street Project UDOT Contract

NEW BUSINESS

- Ordinance to Vacate Part of the Intermountain Storm Sewer Easement Deed that Occurs within the Greener Pasture PUD Subdivision

OTHER BUSINESS

- Update on Federal Funding
- Update on Volunteer School Crossing Guard Training

CLAIMS

- Payment Register

Councilmember Marabella made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

PUBLIC COMMENT

There were no comments from the public.

CONSENT

Promotion, Police Department

It was recommended James Allen be promoted to Corporal, Grade 49, effective November 19, 2005.

Resolution Correcting Cost of Renewing Dog Licenses Through the Mail

In keeping with the original intent of the rate increase for dog licenses, it was recommended the resolution be amended to eliminate the \$5.00 additional charge to renew licenses through the mail.

Agreement Restating the Creation of the Utah Local Governments Trust

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

A list of accounts was presented in the amount of \$4,995.73 to be removed from the City's system due to the customer taking out bankruptcy or being sent to Collections.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Marabella, seconded by Councilmember Jensen and unanimously carried.

PUBLIC HEARING

Issuance of Revenue Bonds for the Construction of Capital Storm Drainage Infrastructure in the Northwest and Southwest Areas of the City

Mr. Brett Jones gave an overview of the proposed bonding to construct capital storm drainage infrastructure in the northwest and southwest area of town. They are proposing bonding for the projects so they can be completed sooner than if the City did it through the budget process. He reviewed the eight projects being proposed for completion through the bond.

A motion to open the public hearing was made by Councilmember Bell, seconded and carried.

Councilmember Marabella - Councilmember Marabella stated that he has studied this at length. He prepared some figures if the City did a "pay-as-you-go" plan. The figures consider a 2% growth in homes, which will increase the storm drain income. He also factored in an interest rate that the City would collect on the money if a pay-as-you-go plan were used. He also used a 4.7% increase each year for inflationary costs. Based on these considerations, if the City collected \$650,000, and paid \$465,000 to the debt, that leaves \$189,000 available money. Considering a 3% increase in interest, that would be \$203,405. If this is carried forward to the next year, and adding the additional income, growth and available money, there would \$906,000 available to start Project No. 1. What originally cost \$357,000 would be \$373,000 with the increase in construction costs. Councilmember Marabella said the Council talked about a 12-year bond for these projects. He suggested instead of a 12-year bond and paying off the bond for 12 years and having the project completed, with a "pay-as-you-go" plan the bottom line is that there would be \$3.7 million available in addition to getting all the projects done. This "pay-as-you-go" plan would use the interest to help fund the projects, and take into consideration additional growth.

Steve Hill - Mr. Hill said he spent a lot of time talking to Mr. Leonard and he favors bonding for the entire project. The first reason is because he feels the City needs to look at the worse case scenario. When he was young, there were never years of drought like there has been in the last few years. To not consider the fact that the weather is becoming very unpredictable would be setting up for future problems. Another situation is that there is a property owner, Joe Siggard, whose land has been declared wetlands because the City is flooding his property. He questioned, philosophically, if the City is taking his land without just and fair compensation by allowing the City's water to consistently flood his land. How does this affect his property rights? This situation could make the City look very foolish. Mr. Hill felt that in the long run, it is in the best interests of the City to bond for all the projects and get them all done as soon as possible.

Joe Siggard - Mr. Siggard said every year the City puts in more storm drains from Main Street to 700 South and from 300 West to Lindsay Park detention basin, and the water increases more and more in this area. Last spring when the ditch was all prepared for water, it got flooded out. It flooded so much that it flooded over the road and took the road out. It has turned his land into a wetlands issue. Mr. Siggard asked if Councilmember Marabella numbers have taken into consideration the increased cost of construction in the future. Councilmember Marabella explained that there is a 4.7% increase in construction factored in each year. Mr. Siggard said if this was saved up front, the consideration for the savings would be tremendous. Mr.

Siggard continued that the further west the water goes, the more it picks up water. When talking about 36", 42" and 48" lines, all that will do is make a bigger river. This problem has to be solved some way, and he did not see it being solved any other way than with the bond being proposed and do the projects to take care of these needs. It is progressively becoming a bigger issue every year the City waits.

Kirk Nelsen - Mr. Nelsen said the water from Mr. Siggard's property goes on to his property. Sometimes that lane gets bigger than the Box Elder Creek. He has had 10-12 acres flooded. He couldn't even cut hay last year because of all the rain. The Old Grist Mill, the Box Elder Credit Union and the Health Services are all being built in this area, and all that storm water is going to go down to his place. They are getting flooded out completely, and the water keeps increasing. Something needs to be done. If the bond is the way to get it down the quickest, he recommended doing it that way.

Joe Siggard - Mr. Siggard said one more issue in their area is that once the water goes across Mr. Nelsen's property it goes into the railroad spur and it fills up with water until it floods up and crosses over the lane to go under the spur. He is sure the railroad is concerned with the water being on the spur. This is where the detention basin is now, and until it can syphon through the railroad, it holds all the water.

Councilmember Marabella said the projects discussed by Mr. Siggard and Mr. Nelsen total \$612,000 of the \$4.2 million bond. With an income of \$650,000 per year, the City could very easily not bond and use the money to do these projects immediately instead of pay on the bond. He agreed that this area needs to be fixed soon.

Mary Kate Christensen read the three attached letters from citizens.

Max Reeder - Mr. Reeder said he is a landowner in the northwest part of Brigham City, and the secretary of the Big Field Irrigation and Drainage Company, with emphasis on drainage. He said he had the opportunity to attend the work session of the Council when they discussed this project. When he looked around the room, there were not too many people that were in Brigham City when all of this started, which was when Thiokol came in and doubled the population in 1960. At that time a street in Brigham City only had about 20-25' of the right-of-way paved. On each side there was a 5-6' apron of dirt, which allowed the run-off from the asphalt to go into the dirt. In addition, on both sides of the street there were open irrigation ditches. After Thiokol came in and subdivisions were developed, curb and gutter and underground grates were installed. There is no water that percolates into the ground; there is no evaporation that takes place. The water is just collected. The City has spent 40 years collecting water. As the City collected water was when the City should have done these projects. Now 40 years later there are a lot of water problems. These problems did not just start with the storm in October. He has come to Council meetings several times with these same concerns. Nothing was done until the storm water master plan was adopted approximately ten years ago. This was the first step. About 3-5 years ago, impact fees and storm water fees were adopted to create an income stream to fund these projects. They have waited a long time for this. Mr. Reeder said he supports the funding, and felt that citizens have waited too long to pay as you go, but it is something that can be looked at, or a combination of both.

There were no further comments from the public. A motion to close the public hearing was made by Councilmember Bell, seconded and carried.

Mr. Leonard said he will bring a resolution before the Council on December 15, 2005 if the bond counsel can get it prepared by then. Mr. Sheffield explained that they have been looking at securing the revenues from the utilities. This creates a better bond coverage and drives the interest rates down.

SCHEDULED DELEGATION

Main Street Project UDOT Contract

Mr. Charles Mace from UDOT joined Mr. Leonard at the table. Mr. Leonard reviewed some of the changes to the contract. The City's total cost of the project is now \$2,445,942. This will be over two budget years. Half of it is in the current budget. The language was changed to reflect what the City wanted. The City's attorney reviewed the previous contract, but not the final copy. His only concern, as is Mr. Leonard's, is that the contractor indemnifies Brigham City and its elected officials from any litigation. He asked the Council to

approve the contract subject to the City Attorney being satisfied that the language is included in the contract.

Mayor Christensen asked Mr. Wright how the lighting will be funded. Mr. Wright explained that UDOT will pay \$343,000 for their share of the lighting. This will pay for the setting of the lights, the wire, and the underground conduit. Brigham City will pay for the fixtures. The downtown will not be completed during this project; however, in order to get a better price on the fixtures, they will all be bought at the same time. The poles will be taller than the current poles and a higher voltage. The City's cost for the fixtures will be \$165,000, which is in the budget.

MOTION: Councilmember Marabella made a motion to authorize the Mayor to sign the Project Betterment Cost Share Agreement pending final review and approval by the City Attorney. The motion was seconded by Councilmember Jensen and unanimously carried.

NEW BUSINESS

Ordinance to Vacate Part of the Intermountain Storm Sewer Easement Deed that Occurs within the Greener Pasture PUD Subdivision

Mr. Leishman approached the Council and explained that as Kevin Ivans, the developer of Greener Pasture PUD, completed his title work, he found out that there is a utility easement that was granted to the US Government in 1943. The document states that no house or structure can be built upon the utility easement. The easement is very wide and is affecting the pad sites. This ordinance would vacate the easement only through the Greener Pasture PUD Subdivision.

MOTION: Councilmember Jensen made a motion to approve the ordinance to vacate part of the Intermountain storm sewer easement deed that occurs within the Greener Pasture PUD subdivision. The motion was seconded by Councilmember Bell and unanimously carried.

OTHER BUSINESS

Update on Federal Funding

The Mayor announced that Brigham City received an earmark for \$150,000 for buses and bus facilities. Pat Jordan, lobbyist, is checking to see if this can be used for the commuter rail study. Representative Bishop really pushed this through for Brigham City. The City also received an earmark \$75,000 for a study for the renovation and preservation of the depot for a commuter hub terminus. The City also received an earmark for another \$750,000 for the Bear River Bird Refuge access road. Ms. Jordan is going to see if this can be used as part of the City's match. Mayor Christensen said the congressional delegation has been very helpful in making sure Brigham City is taken care of. She asked Mr. Tingey to prepare a letter to them for the council's signature.

Update on School Crossing Guard Training

Mr. Tingey reported that Lt. Mike Nelsen has the curriculum all prepared for the volunteer crossing guard training. Lt. Nelsen contacted Principal Lee and they are coordinating the first training session.

CLAIMS

Payment Register

Councilmember Marabella moved to approve the Payment Register dated November 18, 2005 the amount of \$145,288.61; for November 30, \$1,336,083.59. The motion was seconded and carried.

A motion to adjourn was made by Councilmember Marabella. The motion was seconded and carried unanimously. The meeting adjourned at 8:21 p.m.